

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Robert Roy Foster Jr.,

Plaintiff,

v.

Sheriff Chuck Wright, Deputy Osbourne, City
of Spartanburg, Spartanburg County, Deputy
Roshelle Gentry, Deputy Rankin, and
Spartanburg County Detention Center,

Defendants.

C/A No.: 1:25-cv-2807-SAL

ORDER

This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending the complaint be dismissed without prejudice for failure to comply with the court’s prior orders. [ECF No. 21.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report. *Id.* at 5. Plaintiff has not objected to the Report, and the time to do so has expired.

On April 3, 2025, the court received Plaintiff’s complaint, filed under 42 U.S.C. § 1983. [ECF No. 1.] Soon after, the magistrate judge assigned to this case issued a proper form order and a separate order and notice, advising Plaintiff there were defects in his complaint and giving him time to correct those defects. [ECF Nos. 8, 9.] The proper form order also directed Plaintiff to keep the court apprised of his address and that his case could be subject to dismissal if he failed to do so. [ECF No. 8.] Plaintiff then filed an amended complaint, and because that, too, was deficient, the magistrate judge issued a second proper form order, giving Plaintiff additional time to correct the issues with his amended complaint. *See* ECF Nos. 11, 15, 16. The second proper form order

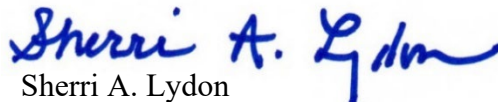
was returned to the court as undeliverable. *See* ECF No. 18. Thus, contrary to this court’s direction, Plaintiff has not updated his address with the court. The magistrate judge now recommends this case be dismissed under Fed. R. Civ. P. 41(b) for failure to comply with a court order. [ECF No. 21.]

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

Finding no clear error in the Report, ECF No. 21, it is adopted and incorporated. Accordingly, this action is **SUMMARILY DISMISSED** without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

June 20, 2025
Columbia, South Carolina


Sherri A. Lydon
United States District Judge